APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,046	02/28/2002	Brian D. Fiut	10020057-1	6491

7590	08/19/2005

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EXAMINER
NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/087,046	FIUT ET AL.
	Examiner	Art Unit	
	Duc Nguyen	2643	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>27 July 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: <u>4</u>.

    Claim(s) rejected: <u>1-3 and 5-24</u>.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>see attached pages</u>.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Duc Nguyen
Primary Examiner
Art Unit: 2643

Response to Arguments

1.   Applicant's arguments filed *** have been fully considered but they are not persuasive.

Regarding the Menon reference, applicant states that Menon does not teach acquiring measurement data of a network link parameter local to a base station.	In contrast to applicant's assertions, fig(s). 24, § 0301 through § 0305 disclose the T1/E1 protocol layer 336 of the base station protocol stack 335 supports the protocols and procedures for <u>managing</u> a physical T1/E1 communication interface between the respective base station 101 and an access router 37. Managing Process is defined as Administration and <u>Maintenance, Operations (OAM&P) functionality (in software/firmware) capable of managing one or more processes (which themselves may manage resources).</u> Copyright © 1995-1998 TRA - All rights reserved. <u>Management is also defined as a generic term applied to the set of performed functions that ensure continued operation and performance of a communications network or device.</u> Functions such as network administration, maintenance, operations and

provisioning are usually grouped under the general category of management. Management of a network requires management of the individual devices which make up the network. In modern networks, managed devices contain a software agent responsible for their management, and communication with a central management station. The software agents also control the device's MIB which stores the various parameters associated with its management. Examples of information which might be contained in a MIB are option settings, equipment IDs and <u>ongoing performance measurements</u>. Management stations use specific protocols to communicate with a device's agent software in order to change MIB settings or determine current status. Historically, management software and the protocols used for communication between management stations and managed devices, has been vendor proprietary. However, during the

	past several years, management of customer premises equipment, especially for data communications applications, has been based on the SNMP. SNMP was defined by the Internet Engineering Task Force for use on the Internet. Public network providers, especially in the international arena, increasingly base their management systems on an OSI-based management system called CMIS and its protocol CMIP. Copyright © 1995-1998 TRA - All rights reserved. <u>Network management is also defined as the execution of the set of functions required for controlling, planning, allocating, deploying, coordinating, and monitoring the resources of a telecommunications network including performing functions such as initial network planning, frequency allocation, predetermined traffic routing to support load balancing, cryptographic key distribution authorization, configuration management, fault management,</u>

	security management, performance management, and accounting management. This HTML version of FS-1037C was last generated on Fri Aug 23 00:22:38 MDT 1996.

| Regarding the Menon reference, applicant further states that Menon does not teach formatting the measurement data into a uniform format. | Menon further teaches formatting the measurement data for the at least one network link parameter, the measurement data for the at least one wireless link parameter, and the measurement data for the at least one operational parameter into a uniform format (MFT and FTP, page 13, [0198], **[0204**-0206]; page 15, paragraph [0228]); and communicating, in the uniform format, the data from the monitoring probe to a processor-based device (OMC72 and OSS 70) arranged remote from the base station (wireless access system 10 or 101, page 15, [0228]). |